CITY OF APOPKA

Minutes of the City Council regular meeting held on October 7, 2020 at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alexander Smith
City Administrator Edward Bass
City Attorney Michael Rodriguez

PRESS PRESENT: Teresa Sargent – The Apopka Chief

INVOCATION/PLEDGE – Commissioner Bankson provided the invocation, led in the Pledge of Allegiance and provided the fact of the day.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of September 9, 2020.
2. First Budget Hearing Meeting Minutes of September 9, 2020.
3. Final Budget Hearing Meeting Minutes of September 16, 2020.
4. Regular Council Meeting Minutes of September 16, 2020.

Mayor Nelson asked if anyone had any questions about any of the minutes. Hearing none, he asked for a motion to approve the four (4) sets of minutes.

MOTION by Commissioner Becker and seconded by Commissioner Bankson, to approve the four (4) sets of minutes. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

AGENDA REVIEW

Edward Bass, City Administrator, stated that there are no changes to the agenda.

PUBLIC COMMENT PERIOD

There was a gentleman from Apopka Woods in attendance as he was told by the HOA that there would be an item on the agenda to speak about however he refrained from Public Comment until which time that this item will be on the agenda. No additional Public Comment.

CONSENT (Action Item)

1. Authorize the acceptance of funding from the Edward Byrne Memorial Justice Assistance Grant program for fiscal year 2020.
2. Award contracts for RFQ 2020-10: City Wide Roofing Repair & Replacement.
3. Award contracts for RFP 2020-11: City Hall Chiller Replacement: Including Maintenance & Service
4. Authorize the issuance of blanket purchase orders for fiscal year 2020.

Mayor Nelson asked if anyone had any questions or needed to pull anything off the consent agenda. Hearing none, he asked for a motion to approve the four (4) items on consent.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith, to approve the four (4) items on Consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

BUSINESS (Action Item)

1. Authorize a waiver of the City's procurement process to contract with The Collage Companies, LLC, for the construction of an access road and turn lanes on Binion Road to the future St. Johns River Water Management District Apopka Service Center.
   Presented by: Pam Richmond

   Pam Richmond, Senior Planner, said this item is for a waiver of our procurement process in order to put the Collage Companies under contract to construct the turn lanes on Binion Road into the St. Johns River Water Management District's new Service Center site. She said that on May 7, 2019, the City entered into an agreement with the SJRWMD and part of this agreement was that if they came here, we would pay for the access road and turn lanes. She said at that time, we thought we would write them a check toward that but it didn't work out that way so we're in a position now of having to contract with a contractor to build this. She stated that Staff recommends waiving our procurement process that requires something of this value to be put out for public bid. She further stated that since the SJRWMD went through the same type of bid process, she feels confident recommending to Council that we hire the same Contractor that the SJRWMD uses for their site work and building for us build our turn lanes and driveway.

   Commissioner Bankson asked if that will make it flow easier since it'll all be done at the same time by the same contractor to which Ms. Richmond stated yes and the cost saving just for staff time will be a lot as their contractor will be overseeing it.

   Commissioner Becker asked for clarification as to whether the obligation only outlined in the memorandum of understanding or are there other contractual obligations surrounding this.

   Ms. Richmond said that the obligation was placed into the actual agreement on May 7, 2019 and not on the memorandum of understanding. She said this had to do with the exchange of the Hickerson property and them locating there.

Commissioner Becker said if the MOU expired and it's not written anywhere else and they rejected the contract with their current contractor, why are we doing any of this.

Ms. Richmond stated that they didn't reject, they specifically took out a certain portion to which Commissioner Becker asked what the reasoning behind that was. Ms. Richmond said she was told that one of the SJRWMD board members felt like it would be better not to have our part in their contract.

Mayor Nelson said we tried to make it easier and put it all into one contract but the SJRWMD said they'd rather separate that portion.

Commissioner Smith asked if the difference outside of the cost of our staff, would remain the same as what we had in the contract to which Ms. Richmond said that there are a few other steps involved but we will save money by doing it this way.

Mayor Nelson asked if anyone from the Public would like to speak on this item. Hearing none, he asked for a motion to authorize a waiver of the City's procurement process to contract with the Collage Companies, LLC for the construction of an access road and turn lanes on Binion Road to the future SJRWMD Apopka Service Center.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to authorize a waiver of the City's procurement process to contract with the Collage Companies, LLC for the construction of an access road and turn lanes on Binion Road to the future SJRWMD Apopka Service Center. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

2. Approve an amendment to the task authorization for Stormwater Rate Study with Raftelis Financial Consultants.
Presented by: Jeff Weatherford

Jeff Weatherford, Public Services Director said that the City previously approved an initial contract to do a Utility Rate Study. He said that as the contractor got into it, they found that the work that would be necessary was quite a bit more detailed so this request is for an amendment. He said we've reviewed and worked with them heavily on their scope of work and agrees that this is where we should be as far as what the contract should be and what the scope should be. He said the changes will be that they'll look at what our practices are, what our infrastructure is, what our resources are and what we're doing today. After they will work with us to determine what types of things we should be doing, particularly when it comes to regulatory and the municipal storm sewer system where the MS4 permits and such that we need to abide by. They will advise what types of things we need, what resources we need to do those and then set up a program where we will have a method of selecting future storm water projects that are based on conditions and needs rather than projects. He said the funding will come from the Stormwater Fund.

Commissioner Becker asked if it would be possible to get some sample Rate Studies from this consultant that have been done for other municipalities. He said that in a work effort this large and comprehensive, he said it would be better to have some examples and let us provide feedback so that we know what to expect as a Council to which Mr. Weatherford said he will ask them to provide.

Mayor Nelson asked if anyone from the Public would like to speak on this item. Hearing none, he asked for a motion to approve an amendment to the task authorization for the Stormwater Rate Study with Raftelis Financial Consultants.

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve an amendment to the task authorization for the Stormwater Rate Study. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2783 – Second Reading - Comprehensive Plan – Small Scale – Future Land Use Amendment
   From: Agriculture
   To: Industrial (Max. 0.60 FAR)
   Owner: Faircloth Family LTD.
   Applicant: Jose L. Perez
   Location: North of East Keene Road, west of Clarcona Road
   Project: 2.24 +/- acres; 58,544 non-residential sq. ft. +/-
   Project Manager: Phil Martinez

   Mayor Nelson asked if there have been any changes since the first reading to which Phil Martinez said there are no changes. He then asked if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2783.

   MOTION by Commissioner Smith and seconded by Commissioner Becker, to adopt Ordinance No. 2783. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

2. Ordinance No. 2784 – Second Reading - Change of Zoning
   From: AG (Agriculture District)
   To: I-L (Light Industrial District)
   Owner: Faircloth Family LTD.
   Applicant: Jose L. Perez
   Location: North of East Keene Road, west of Clarcona Road
   Project: 2.24 +/- acres; 58,544 non-residential sq. ft. +/-
   Project Manager: Phil Martinez

   Mayor Nelson asked if there have been any changes since the first reading to which Phil Martinez said there are no changes. He then asked if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2784.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to adopt Ordinance No. 2784. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

3. Ordinance No. 2788 – Second Reading - Annexation
Owner: Joseph L Sandroni Estate
Applicant: Cadence Partners LLC
Location: North of Ocoee Apopka Road, west of South Bradshaw Road
Project: 8.76 +/- acre
Project Manager: Phil Martinez

Mayor Nelson asked if there have been any changes since the first reading to which Phil Martinez said there are no changes. He then asked if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2788.

MOTION by Commissioner Becker and seconded by Commissioner Smith, to adopt Ordinance No. 2788. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

4. Ordinance No. 2789 – Second Reading - Annexation
Owner/Applicant: CHS Management Corp., c/o Nita Batra
Location: South of Lent Road, east of Plymouth Sorrento Road
Project: 8.85 +/- acre
Project Manager: Phil Martinez

Mayor Nelson asked if there have been any changes since the first reading to which Phil Martinez said there are no changes. He then asked if anyone from the public wanted to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2789.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to adopt Ordinance No. 2789. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

5. Ordinance No. 2782 - First Reading - Change of Zoning; Assignment of KPI Transition and Neighborhood Character Zones; and Master Plan – Orlando Beltway East Subdivision
From: T (Transitional District)
To: MU-KPI (Mixed Use Kelly Park Interchange)
Owner: Orlando Beltway Associates
Applicant: Hall Development Services, Inc., c/o Jim Hall
Location: East side of Plymouth-Sorrento Road, approximately ¼ mile north of the intersection of Kelly Park Road and Plymouth-Sorrento Road
Project: 56.51 +/- acres; 202 residential units - 143 single-family and 59 townhomes
Project Manager: Bobby Howell

Bobby Howell, Planning Manager, provided an overview of this item and said that the applicant is requesting a re-zoning of 56.51 acres of property from Transition to Mixed Use Kelly Park Interchange with a transition in neighborhood character zoned to develop a subdivision consisting of 202 units subject to the Kelly Park Interchange Form Based Code. He said the property is located on the West side of Plymouth Sorrento Road, approximately ¼ mile North of the intersection of Kelly Park Road and Plymouth Sorrento Road. He said the surrounding zoning are in the Kelly Park Interchange Form Based Code District and the property is located within the one (1) mile radius of the S.R. 429 Kelly Park Road Inter-change. He said the owner has submitted a Master Plan, in conjunction with the re-zoning application, in accordance with the requirements of the form based code. He said a minimum living area of 1,600 square feet is provided for the single family units, 1,200 square feet is provided for the townhomes. He said that in accordance with the requirements of the form based code, 20% of the site is reserved as open space. He said common recreation elements include a community swimming pool, an internal trail system, passive open space and recreation areas and the dedication of the bike trail along Plymouth Sorrento Road. He said that the Development Review Committee and the Planning Commission both recommend approval as does staff.

Mayor Nelson asked if the applicant was present and would like to speak. He then asked if anyone from the public would like to speak on this item and hearing none, he asked for a motion to approve Ordinance No. 2782 at first reading and hold over for second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve Ordinance No. 2782 at first reading and hold over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

6. Ordinance No. 2791 – First Reading/Transmittal
Project: Comprehensive Plan Text Amendment: Public School Facilities Element, Policy 3.1
Project Manager: Bobby Howell

Bobby Howell said that policy 3.1 of the Public Schools Facilities Element of the Comprehensive Plan applies to developer initiated comprehensive

Policy 3.1 of the Public Schools Facilities Element of the Comprehensive Plan currently states that the City shall not approve a developer initiated Comprehensive Plan amendment or rezoning which increases the density on property until such time that Orange County Public Schools (OCPS) has determined whether sufficient capacity will exist at the time of the proposed change, or a capacity enhancement agreement is executed that provides for the needed capacity to accommodate the proposed development.

Mayor Nelson asked if the applicant was present and would like to speak. He then asked if anyone from the public would like to speak on this item and hearing none, he asked for a motion to approve Ordinance No. 2791 at first reading and transmittal to the State. Once received back from the State, this Ordinance will come before City Council for a second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Bankson, to approve Ordinance No. 2791 at first reading and transmittal to the State, followed by a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

7. Ordinance No. 2792 – First Reading - Comprehensive Plan – Small Scale – Future Land Use Amendment
   From: Agriculture
   To: Industrial (Max. 0.60 FAR)
   Owner: Randall Real Estate Investments Inc.
   Applicant: Vihlen and Associates, P.A c/o Sidney L. Vihlen, III
   Location: East of Clarcona Road, north of Stone Road
   Project: 0.99 +/- acres; 25,874 non-residential sq. ft. +/-
   Project Manager: Phil Martinez

   Mayor Nelson asked if the applicant was present and would like to speak. He then asked if anyone from the public would like to speak on this item and hearing none, he asked for a motion to approve Ordinance No. 2792 at first reading and hold over for second reading and adoption.

   MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve Ordinance No. 2792 at first reading and hold over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

8. Ordinance No. 2793 – First Reading - Change of Zoning
   From: AG (Agriculture District)
   To: I-L (Light Industrial District)
   Owner: Randall Real Estate Investments Inc.
   Applicant: Vihlen and Associates, P.A c/o Sidney L. Vihlen, III
   Location: East of Clarcona Road, north of Stone Road
   Project: 0.99 +/- acres; 25,874 non-residential sq. ft. +/-
   Project Manager: Phil Martinez

   Mayor Nelson asked if the applicant was present and would like to speak. He then asked if anyone from the public would like to speak on this item and hearing none, he asked for a motion to approve Ordinance No. 2793 at first reading and hold over for second reading and adoption.

   MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve Ordinance No. 2793 at first reading and hold over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

9. Ordinance No. 2794 – First Reading - Annexation

Owner: Mid Florida Freezer Warehouse, Inc.
Applicant: Lowndes Law Firm c/o Tara Tedrow
Location: South of West Orange Blossom Trail, west of Lake View Drive
Project: 0.52 +/- acre
Project Manager: Phil Martinez

Mayor Nelson asked if the applicant was present and would like to speak. He then asked if anyone from the public would like to speak on this item and hearing none, he asked for a motion to approve Ordinance No. 2794 at first reading and hold over for second reading and adoption.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve Ordinance No. 2794 at first reading and hold over for second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

10. Resolution No. 2020-31 - Purchasing Policy
Presented by: Jessica Pugh

Mayor Nelson asked if anyone from the public would like to speak on this item. Hearing none, he asked for a motion to approve Resolution No. 2020-31.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve Resolution No. 2020-31. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

11. Resolution No. 2020-32 - FY19/20 Budget Amendment
Presented by: Jamie Roberson

Mayor Nelson asked if anyone from the public would like to speak on this item. Hearing none, he asked for a motion to approve Resolution No. 2020-32.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve Resolution No. 2020-32. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

12. Resolution No. 2020-33 - FY20/21 Budget Amendment
Presented by: Jamie Roberson

Mayor Nelson asked if anyone from the public would like to speak on this item. Hearing none, he asked for a motion to approve Resolution No. 2020-33.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve Resolution No. 2020-31. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker and Smith voting aye.

CITY COUNCIL REPORTS

CITY ADMINISTRATOR REPORT – No report

CITY ATTORNEY'S REPORT – No report

MAYOR'S REPORT

ADJOURNMENT - There being no further business the meeting adjourned at p.m.

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Bryan Nelson, Mayor

ATTEST: ________________________________

Susan M. Bone, City Clerk

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